



Attorney Docket No. 43062-0001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Joe G. RICH, Sr.
Serial No. : 09/950,091
Filing Date: September 10, 2001
Title : ELECTROLYSIS FUEL CELL ENERGY PLANT
Examiner : Randy Gulakowski
Group/Art Unit : 1746

RECEIVED

MAR 09 2004

OFFICE OF PETITIONS

Mail Stop Petition
Commissioner for Patents
Alexandria, VA 22313-1450

PETITION TO REVIVE

Sir:

Applicant hereby petitions the Commissioner to revive the above-identified abandoned application. It is certified that the abandonment of this application is an error on the part of the United States Patent and Trademark Office wherein a reply to the Office Action, mailed June 25, 2003, was transmitted via facsimile using Certificate of Transmittal on September 25, 2003, addressed to the Supervisory Patent Examiner Randy Gulakowski of Art Unit 1746, at given Facsimile No. 1-703-872-9374. Thus, the Notice of Abandonment mailed February 2, 2004, stating that applicant failed to file a reply to the Office Action is incorrect.

Enclosed is a copy of the Amendment transmitted, copy of Certificate of Transmission, copy of Transmittal Form and a copy of the Confirmation Report from the Facsimile Machine used in our offices showing the transmittal date of September 25, 2003 and transmittal time of 12:31 p.m.

It is, therefore, respectfully requested that the Abandonment of this application be withdrawn, as a responsive Amendment to the Office Action was timely filed. Although no fee is due to the Patent Office by the Applicant, the Commissioner is, however, authorized to charge any additional fees, which may be required in the prosecution of this application to Deposit Account No. 18-2262.

Respectfully submitted

By:


Robert M. Schwartz, Reg. No. 229,854
RUDEN, McCLOSKY, SMITH,
SCHUSTER & RUSSELL, P.A.
200 East Broward Boulevard
Fort Lauderdale, FL 33301
Tel.: (954) 527-6252
Fax: (954) 333-4252

March 3, 2004
Enclosures

Certificate of Mailing under 37 CFR 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on March 3, 2004.



/Vernice V. Freebourne

March 3, 2004 /Date



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number	09/950,091	RECEIVED	
Filing Date	September 10, 2001	MAR 09 2004 OFFICE OF PETITIONS	
First Named Inventor	Joe G. RICH, Sr.		
Art Unit	1746		
Examiner Name	Randy Gulakowski		
Total Number of Pages in This Submission	15	Attorney Docket Number	43062-0001

ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance communication to Technology Center (TC)
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Copy of Amendment/Reply - 9/25/03	<input checked="" type="checkbox"/> Petition to Revive	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	<input type="checkbox"/> Copy of Confirmation Report of Transmittal by Facsimile
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	<input type="checkbox"/> Return Receipt Postcard
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s)	<input type="checkbox"/> Copy of Cert. of Transmittal
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application	<input type="checkbox"/> Remarks	<input type="checkbox"/> Copy of Transmittal Form
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Robert M. Schwartz, Esq. RUDEN, McCLOSKY, SMITH, SCHUSTER & RUSSELL, P.A.
Signature	
Date	March 3, 2004

CERTIFICATE OF TRANSMISSION/MAILING

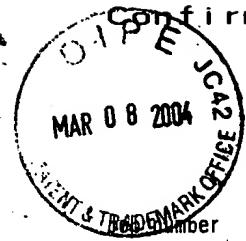
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Typed or printed name	Vernice V. Freebourne		
Signature		Date	March 3, 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

RECEIVED
MAR 15 2004
TC 1700



Confirmation Report - Memory Send

Date & Time: Sep-25-2003 12:31pm
Tel line : 9547644996
Machine ID : RUDEN MCCLOSKY 17 FL ST

COPY

: 973
Date & Time : Sep-25 12:28pm
To : 1697#43062#0001#17038729374#
Number of pages : 011
Start time : Sep-25 12:28pm
End time : Sep-25 12:31pm
Pages sent : 011
Status : OK
Job number : 973

*** SEND SUCCESSFUL ***

RECEIVED

MAR 09 2004

OFFICE OF PETITIONS

**Ruden
McClosky**

200 EAST BROWARD BOULEVARD
FORT LAUDERDALE, FLORIDA 33301
(954) 527-6252
FAX: (954) 527-6352
ROBERT.SCHWARTZ@RUDEN.COM

Certificate of Transmission under 37 CFR 1.8

Re: Applicant: Joe G. RICH, Sr.
Serial No.: 09/950,091
Filing Date: September 10, 2001
Title: ELECTROLYSIS FUEL CELL ENERGY PLANT
Attorney Docket No.: 43062-0001

I hereby certify that the following Papers: 11 pages, including this Cover Sheet

Transmittal Form - 1p;
Amendment - 9pp

are being facsimile transmitted to the United States Patent and Trademark Office, Group/Art Unit 1746 for the attention of Examiner Donald V. Scaltrito in accordance with 37 CFR §1.8 on the date indicated below and addressed to:

Supervisory Patent Examiner Randy Gulakowski
Group/Art Unit: 1746
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
FAX NO.: 1-703-872-9374

Donald V. Scaltrito

/Vernice V. Freebourne

September 25, 2003 /Date

THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS ATTORNEY PRIVILEGED AND CONFIDENTIAL. INFORMATION INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY NAMED ABOVE. IF THE READER OF THIS MESSAGE IS NOT THE ADDRESSEE, IT IS HEREBY DEMANDED THAT DISSEMINATION, RETENTION OR COPIES OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE IMMEDIATELY NOTIFY US BY TELEPHONE (IF LONG DISTANCE, PLEASE CALL COLLECT) AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA THE U.S. POSTAL SERVICE. THANK YOU.



COPY

200 EAST BROWARD BOULEVARD
FORT LAUDERDALE, FLORIDA 33301

(954) 527-6252
FAX: (954) 333-4252
ROBERT.SCHWARTZ@RUDEN.COM

RECEIVED

MAR 09 2004

Certificate of Transmission under 37 CFR 1.8
OFFICE OF PETITIONS

Re: Applicant: Joe G. RICH, Sr.
Serial No.: 09/950,091
Filing Date: September 10, 2001
Title: ELECTROLYSIS FUEL CELL ENERGY PLANT
Attorney Docket No.: 43062-0001

I hereby certify that the following Papers: 11 pages, including this Cover Sheet

Transmittal Form – 1p;
Amendment - 9pp

are being facsimile transmitted to the United States Patent and Trademark Office, Group/Art Unit 1746 for the attention of Examiner Donald V. Scaltrito in accordance with 37 CFR §1.8 on the date indicated below and addressed to:

Supervisory Patent Examiner Randy Gulakowski
Group/Art Unit: 1746
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

FAX NO.: 1-703-872-9374

Dee Leeborne

/Vernice V. Freebourne

September 25, 2003 /Date

THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS ATTORNEY PRIVILEGED AND CONFIDENTIAL INFORMATION INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY NAMED ABOVE. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPY OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE IMMEDIATELY NOTIFY US BY TELEPHONE (IF LONG DISTANCE, PLEASE CALL COLLECT) AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA THE U.S. POSTAL SERVICE. THANK YOU.

FTL:1102644:1

RECEIVED
MAR 15 2004
TC 1700



COPY

PTO/SB/21 (03-03)
Approved for use through 04/30/2003. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

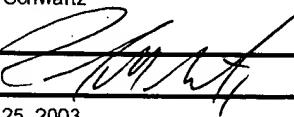
		Application Number	09/950,091
		Filing Date	September 10, 2001
		First Named Inventor	Joe G. RICH, sR.
		Art Unit	1746
		Examiner Name	Donald V. Scaltrito
Total Number of Pages in This Submission	11	Attorney Docket Number	43062-0001

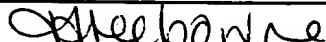
ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s)	<input type="checkbox"/> After Allowance Communication to a Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Remarks		

RECEIVED

MAR 09 2004

OFFICE OF PETITIONS

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual	Robert M. Schwartz
Signature	
Date	September 25, 2003

CERTIFICATE OF TRANSMISSION/MAILING	
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date: September 25, 2003	
Typed or printed	Vernice V. Freebourne
Signature	
Date September 25, 2003	

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.



COPY

Attorney Docket No. 43062-0001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant

: Joe G. RICH, Sr.

Serial No.

: 09/950,091

Filing Date:

: September 10, 2001

Title

: ELECTROLYSIS FUEL CELL ENERGY PLANT

Examiner

: Donald V. Scaltrito

Group/Art Unit

: 1746

RECEIVED

Confirmation No. 2103

MAR 09 2004

OFFICE OF PETITIONS

Mail Stop Non-Fee Amendment
Commissioner for Patents
Alexandria, VA 22313-1450

AMENDMENT

Sir:

This is in response to the Office Action mailed on June 25, 2003 setting a shortened statutory response date of three months. Accordingly, this Amendment is timely filed. Applicant submits the following Amendment and Remarks and respectfully requests the examiner to reconsider the rejections and objections made in the Action and to allow the claims to issue.

Please amend the application as follows:

Amendments to the Claims are reflected in the listing of claims, which begins on page 2 of this paper.

Remarks begin on page 8 of this paper.

RECEIVED
MAR 15 2004
TC 1700

COPY

This listing of claims will replace all prior versions, and listings, of claims in the application:

LISTING OF CLAIMS

Claims 1-6. (Cancelled).

Claim 7. (Currently amended). ~~The fuel cell device according to claim 6 wherein said A~~

fuel cell device for providing electrical energy, said fuel cell device comprising:

a first storage tank for storing a hydrogen-based fuel operatively engaged to a fuel cell portion having an electron input, said first storage tank having a first pressure valve to regulate fuel pressure within said first storage tank and a first flow control valve to regulate fuel flow from said first storage tank to said fuel cell portion;

a second storage tank for storing an oxidant operatively engaged to said fuel cell portion, said second storage tank having has a second pressure valve to regulate oxidant pressure within said second storage tank;

an electrolysis portion having an electron output; and

an electrolyte recovery unit;

wherein said hydrogen-based fuel is selected from the group consisting essentially of hydrogen gas, hydrocarbons, hydrazine, and alcohol.

COPY

Claim 8. (Previously presented). The fuel cell device according to claim 7 wherein said second storage tank has a second flow control valve to regulate oxidant flow from said second storage tank to said fuel cell portion.

Claim 9. (Previously presented). The fuel cell device according to claim 8 wherein said oxidant is selected from the group consisting essentially of oxygen gas and air.

Claims 10-14. (Cancelled).

Claim 15. (Currently amended). The fuel cell device according to claim 14 7 wherein said fuel cell portion is integrally connected to said electrolysis portion and wherein said fuel cell portion further comprises:

at least one electrode, said at least one electrode one of a cathode or an anode;
an ion conducting membrane to allow hydrogen ions from said hydrogen-based fuel to diffuse across said membrane to interact with oxygen ions from said oxidant; and
a glass separator to prevent undesired contact between said hydrogen-based fuel and said oxidant.

Claim 16. (Previously presented). The fuel cell device according to claim 15 wherein said fuel cell portion further comprises a glass liquid separator to divide said fuel cell portion from said electrolysis portion.

COPY

Claim 17. (Previously presented). The fuel cell device according to claim 16 wherein said electron input is a conductor wire.

Claim 18. (Previously presented). The fuel cell device according to claim 17 wherein said conductor wire is platinum.

Claims 19-21. (Cancelled).

Claim 22. (Currently amended). The fuel cell device according to claim 21 7 wherein said fuel cell combines said hydrogen-based fuel with said oxidant to produce electrical power and waste water and wherein said electrolysis portion further comprises at least one plate electrode and an electrolyte, and wherein said electrolyte is an acid.

Claim 23. (Previously presented). The fuel cell device according to claim 22 wherein said acid is sulfuric acid.

Claim 24. (Previously presented). The fuel cell device according to claim 23 wherein said electrolysis portion further comprises an open glass separator.

Claim 25. (Previously presented). The fuel cell device according to claim 24 wherein said electrolysis portion splits said waste water into hydrogen and oxygen.

COPY

Claim 26. (Previously presented). The fuel cell device according to claim 25 wherein said electrolysis portion provides hydrogen to said first storage tank.

Claim 27. (Previously presented). The fuel cell device according to claim 25 wherein said electrolysis portion provides oxygen to said second storage tank.

Claim 28. (Currently amended). The fuel cell device according to claim 25 wherein said electron output is said a conductor wire.

Claim 29. (Previously presented). The fuel cell device according to claim 28 wherein said electrolysis portion is operatively engaged to said electrolyte recovery unit.

Claim 30. (Currently amended). The fuel cell device according to claim 4 7 wherein said electrolyte recovery unit further comprises an overflow intake to accept excess electrolyte.

Claim 31. (Previously presented). The fuel cell device according to claim 30 wherein said electrolyte recovery unit further comprises a return to provide electrolyte flow into said electrolysis portion.

Claim 32. (Previously presented). The fuel cell device according to claim 30 wherein said electrolyte recovery unit further comprises a return to provide electrolyte flow to a third storage tank for future use.

COPY

Claim 33. (Currently amended). The fuel cell device according to claim + 7 wherein said fuel cell device further comprises a heat exchanger to control the temperature of said fuel cell.

Claims 34-39. (Cancelled).

Claim 40. (Currently amended). A method for generating electrical energy using a fuel cell device having a fuel cell portion and an electrolysis portion comprising:

storing a hydrogen-based fuel in a first storage tank, wherein a first pressure valve controls fuel pressure within said first storage tank, and wherein a first flow control valve controls the supply of said hydrogen-based fuel from said first storage tank to a fuel cell portion;

storing an oxidant in a second storage tank, wherein a second pressure valve controls oxidant pressure within said second storage tank, and wherein a second flow control valve controls the supply of said oxidant from said first storage tank to said fuel cell portion;

supplying said hydrogen-based fuel, said oxidant, and electrons to said fuel cell portion, wherein a conductor wire supplies electrons to said fuel cell portion;

combining said hydrogen-based fuel and said oxidant in said fuel cell portion to generate electrical energy and waste water;

supplying said waste water to said electrolysis portion having an electrolyte;

splitting said waste water into hydrogen and oxygen;

supplying said hydrogen from said electrolysis portion to said first storage tank;

supplying said oxygen from said electrolysis portion to said second storage tank;

COPY

providing flow of said electrolyte to an electrolyte recovery pump, said flow being redirected.

Claim 41. (Previously presented). The method according to claim 40 wherein said conductor wire is platinum.

Claim 42. (Currently amended). The method according to claim 35 40 wherein said electrolyte further comprises unreacted waste water.

Claim 43. (Currently amended). The method according to claim 35 40 wherein said electrolyte recovery unit redirects electrolyte flow to said electrolysis portion.

Claim 44. (Currently amended). The method according to claim 35 40 wherein said electrolyte recovery unit redirects electrolyte flow to a third storage tank.

Claim 45. (Currently amended). The method according to claim 35 40 wherein said method further comprises the step of controlling the temperature of said fuel cell device.

Claim 46. (Previously presented). The method according to claim 45 wherein said controlling is performed by a heat exchanger.

COPY

REMARKS/ARGUMENTS

On page 5 of the Office Action, the Examiner objected to claims 7-9, 15-18, 22-33, and 40-46 as being dependent upon a rejected base claim. The Examiner further stated that claims 7-9, 15-18, 22-33, and 40-46 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant has rewritten claims 7-9, 15-18, 22-33, and 40-46 so as to incorporate the limitations of the rejected base claim and any intervening claims and has further amended the dependencies of claims in the amended claims submitted herewith so as to overcome the Examiner's objection. Applicant believes that the amended claims fulfill the statutory requirements. Thus, no further correction is required.

COPY

Conclusion

Having analyzed the objections cited against the claims, it is urged that the present claims are in condition for allowance. A favorable reconsideration is requested. The Examiner is invited to contact the undersigned attorney to discuss any matters pertaining to the present application.

The Commissioner is hereby authorized to charge any fees, which may be required in the prosecution of this application to Deposit Account No. 18-2262.

Respectfully submitted,

By: 

Robert M. Schwartz, Reg. No. 29,854
RUDEN, McCLOSKY, SMITH,
SCHUSTER & RUSSELL, P.A.
200 East Broward Boulevard
Fort Lauderdale, Florida 33301
Tel.: (954) 527-6252
Fax: (954) 333-4252

Date: September 25, 2003

Ce CERTIFICATE OF TRANSMISSION – 37 CFR 1.8

I hereby certify that this Amendment is transmitted to the U.S. Patent and Trademark Office, Group/Art Unit 1746 for the attention of Examiner Donald V. Scaltrito in accordance with 37 CFR §1.6(d).

Okholbawno

/Vernice V. Freebourne

September 25, 2003 /Date